



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/766,834

01/30/2004

Patrick Bergeot

Q79501

3848

23373 7590 07/14/2008
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

CHEEMA, UMAR

ART UNIT

PAPER NUMBER

2144

MAIL DATE

DELIVERY MODE

07/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/766,834	Applicant(s) BERGEOT ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2144	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-25.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/John Follansbee/
 Supervisory Patent Examiner, Art Unit 2151

Continuation of 11. does NOT place the application in condition for allowance because: A. Regarding to claim 1, Applicant argues that Hayball in view of Wilson does not teach or suggest:

1. "a multiplicity of equipment elements is each associated with a primary data management protocol".
2. "mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system".
3. "protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements".
4. "convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element" and feature "mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment elements".

As for Point A, it is Examiner's position that Hayball in view of Wilson disclose substantially:

1. "a multiplicity of equipment elements is each associated with a primary data management protocol (see Hayball: abstract, col. 4, lines 29-31, 48-65; managing a network having a plurality of distributed components and systems and plurality of application level elements each of which correspond to a function capability of a composite or system, a system being a highest level of composite)".
2. "mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system (see Hayball: abstract, col. 3, lines 54-65; Wilson abstract, par. 0008; mediation management system that sends management operations addressing managed objects on a management interface)".
3. "protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements (see Hayball: col. 3, lines 54-65; network management system)".
4. "convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element" and feature "mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment elements (see Hayball: col. 5, lines 60-67; elements for communication of management data; Wilson: see abstract, par. [0008-0009]; mediation management system that sends management operations addressing managed objects on a management interface)".

Thus it is Examiner's position that Hayball in view of Wilson does teach or suggest all of the limitations of independent claim 1 and its dependent claims as previously cited in final action filed on 03/19/2008 and therefore 35 U.S.C 103(a) rejection with regards to claims 1-25 is proper.